

Application No. 10/553,523
Reply to Office Action dated 08/17/2010

REMARKS

Reconsideration is requested in view of the above amendments and the following remarks. Claims 1 and 21 have been revised. Support for the revisions can be found at, e.g., Figs. 1 and 2, among other places. Claims 1-21 remain pending in the application.

Claim Rejections-35 USC § 102

Claims 1-13 and 16-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuhr et al. (U.S. Patent Application Publication No. 2002/0040230). Applicants respectfully traverse this rejection.

Claim 1 requires a lancet holder including first and second members, where a second member being moved in a lancing direction together with a first member and a lancet when the second member is held in a fixing position for fixing the lancet to the lancet holder.

Kuhr et al. fail to disclose this arrangement. Instead, Kuhr et al. merely discuss a blood lancet system 1 including exchangeable lancets 3, a lancet holder 12 having two holder tongues 12a, and an ejector 30 having a lancet contact element 11 for ejecting the lancet 3 from the lancet holder 12, where movement of the lancet contact element 31 in a pricking direction causes ejection of the lancet 3 from the lancet holder 12 (see Kuhr et al., paragraph [0034] and Figs. 6-9). The rejection refers to the holder tongues 12a and the ejector 30 as disclosing the first and second members of claim 1. However, the ejector 30 is only used to couple the lancet holder 12 to and release the lancet holder 12 from a housing 10. The ejector 30 in fact is not a part of the lancet holder 12.

Moreover, the ejector 30 in Kuhr et al. does not move together with the holder tongues 12 and the lancet 3 in a lancing direction. In fact, the ejector 30 moves in the lancing direction only when removal of the lancet 3 from the lancet holder 12 is needed (see Kuhr et al., paragraph [0034]-[0039] and [0043]). Therefore, Kuhr et al. provide no teaching of a lancet holder including first and second members, where the second member is moved together with the first member and a lancet in a lancing direction, as required by claim 1.

For at least these reasons, claim 1 is patentable over Kuhr et al. Claims 2-13 and 16-20 depend ultimately from claim 1 and are patentable along with claim 1 and need not be separately distinguished at this time.

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Claim 21, which includes similar limitations concerning a lancet holder including first and second members, where a second member being moved in a lancing direction together with a first member and a lancet when the second member is held in a fixing position for fixing the lancet to the lancet holder, is patentable for the reason as discussed with regard to claim 1.

Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims. Reconsideration and withdrawal of the rejection are respectfully requested.

Claim Rejections-35 USC § 103

Claims 14 and 15 are rejected under 35 U.S.C 103(a) as being unpatentable over Kuhr et al. (U.S. Patent Application Publication No. 2002/0040230). Applicants respectfully traverse this rejection. Claims 14 and 15 depend ultimately from claim 1 and are patentable over Kuhr et al. for at least the same reasons discussed above regarding claims 1-13 and 16-20. Applicants are not conceding the relevance of the rejection to the remaining features of the rejected claims.

In view of the above, favorable reconsideration in the form of a notice of allowance is respectfully requested. Any questions regarding this communication can be directed to the undersigned attorney, Douglas P. Mueller, Reg. No. 30,300, at (612) 455-3804.

Respectfully submitted,



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